

## REMARKS

Reconsideration of the above-identified application is respectfully requested.

Finally! A letter! Almost two years to the day after the previous letter.

The Office Action Summary says that claims 1, 2, and 5–12 are pending. The Office Action Summary says that claims 1, 2 and 5–12 are rejected. The Detailed Action says that claim 1 is rejected. The Detailed Action then says that claims 1, 2, and 5–12 are allowed. Huh?

Presumably, claim 1 is rejected for double patenting. The '881 patent was not used as prior art. The disclosure of the '881 patent does not disclose or suggest the invention claimed in claim 1. Yet three *claims* from the '881 patent supposedly render the invention obvious. Seems a bit of a stretch, does it not?

The following table compares claim 1 with claims 1, 7, and 9 of the '881 patent.

<p>1. In an audio processing circuit including a plurality of band pass filters and a summation circuit for combining the outputs of the band pass filters, the improvement comprising:</p> <p>a multiplex circuit coupled between the band pass filters and the summation circuit; and</p> <p>control means coupled to the multiplex circuit for coupling a subset of said band pass filters to said summation circuit.</p>	<p>1. A method for processing two audio signals, said method comprising the steps of:</p> <p>applying a first audio signal to a first channel and a second audio signal to a second channel;</p> <p>dividing each channel into a plurality of bands;</p> <p>monitoring the amplitudes of the portions of the signals in all bands; and, for each band having a portion above a predetermined threshold:</p> <p>attenuating the portion in the corresponding band in the other channel, and</p> <p>preventing portions in adjacent bands in the other channel from being fully attenuated.</p>
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<p>1. In an audio processing circuit including a plurality of band pass filters and a summation circuit for combining the outputs of the band pass filters, the improvement comprising:</p> <p>a multiplex circuit coupled between the band pass filters and the summation circuit; and</p> <p>control means coupled to the multiplex circuit for coupling a subset of said band pass filters to said summation circuit.</p>	<p>7. A noise reducing circuit for processing audio signals comprising:</p> <p>a plurality of band pass filters for dividing the signals into a plurality of bands;</p> <p>a plurality of first detectors coupled one each to a band pass filter, each first detector having a long response time;</p> <p>a plurality of variable gain amplifiers, each amplifier having an input coupled to a band pass filter, a control input, and an output;</p> <p>a summation circuit coupled to the outputs of the variable gain amplifiers;</p> <p>control logic coupled to said first detectors and to the control inputs of the variable gain amplifiers for preventing the signals in adjacent bands within a given channel from being fully attenuated simultaneously and for permitting the signals in adjacent bands within the given channel to be partially attenuated simultaneously.</p>
<p>1. In an audio processing circuit including a plurality of band pass filters and a summation circuit for combining the outputs of the band pass filters, the improvement comprising:</p> <p>a multiplex circuit coupled between the band pass filters and the summation circuit; and</p> <p>control means coupled to the multiplex circuit for coupling a subset of said band pass filters to said summation circuit.</p>	<p>9. In a conference telephone having an audio processing circuit including a noise reducing circuit for processing a pair of audio signals in two channels, wherein each channel includes a plurality of band pass filters for dividing the signal in each channel into a plurality of bands and a summation network for re-combining the outputs of the band pass filters, the improvement comprising:</p> <p>a plurality of threshold detectors coupled one each to the output of a band pass filter;</p> <p>control logic coupled to all the threshold detectors;</p> <p>a plurality of variable gain amplifiers coupled one each to a band pass filter and to said control logic;</p> <p>wherein said control logic reduces the gain of selected variable gain amplifiers in accordance with the outputs of all the threshold detectors but does not fully reduce the gain of amplifiers in adjacent bands in a given channel.</p>

The Examiner's assertion is conclusory rather than analytical. Applicant's claim 1 is in Jepson format, i.e. the preamble is acknowledged prior art. The Examiner's summary of the claim covers no more than the preamble. There is nothing in any of the three claims relied on that suggests a multiplex circuit and a control means for the multiplex circuit. How can the absence of a teaching render a claim obvious?

"The inventive concept of using a two channel audio system"

What on earth is that supposed to mean? 1. There is no such thing as "gist" of the invention, or "inventive concept." The whole claim defines the invention. 2. Stereo audio is pretty old. Perhaps the Examiner is generalizing too much? 3. Where are two channels recited in applicant's claim 1?

It is respectfully submitted that merely reading the claims from the '881 patent belies the assertion that the claims are not patentably distinct.. With respect to claim 1 of the patent, do not the steps of monitoring, attenuating, and preventing distinguish from claim 1 of the application? It is respectfully submitted that if such is not a patentable distinction, then nothing is patentable. More specifically, it is submitted that the Examiner cannot ignore claim recitations to find lack of distinction. The same argument applies to patent claims 7 and 9.

In view of the foregoing remarks, it is respectfully submitted that there is no double patenting and that claims 1, 2, and 5-12 are in condition for allowance. A Notice to that effect is respectfully requested.

Respectfully submitted,



Paul F. Wille

Reg. No. 25,274

Attorney for Applicant